

MONDAY, SEPTEMBER 15, 1997

At 9:34 a.m., the court met in the Library and Courts Building for its regular appeals calendar.

Present: BLEASE, Acting Presiding Justice
DAVIS, Associate Justice
MORRISON, Associate Justice

Bailiff Palmer.
Calendar called.

Crim. THE PEOPLE
No. vs.
C023518 NABIL IBN MANLEY

Cause called. Diane E. Berley, court appointed counsel argued for Defendant-Appellant with additional citations. Kelly Elam LeBel, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 10:00 a.m., court recessed. At 10:03 a.m. court reconvened with the same panel except Acting Presiding Justice Sims in place of Acting Presiding Justice Blease.

MONDAY, SEPTEMBER 15, 1997 CONTINUED

Civil BOARD OF ADMINISTRATION ETC. ET AL.
No. vs.

C021663 PETE WILSON, AS GOVERNOR, ETC.

Cause called. Christian M. Keiner argued for Defendant-Respondent-X-Appellant. No appearance was made on behalf of Plaintiffs-Appellants-X-Respondents. Cause submitted.

At 10:04 a.m. court recessed. At 10:06 a.m. court reconvened with Acting Presiding Justice Blease, Associate Justice Davis and Associate Justice Raye.

Civil A. TEICHERT & SONS, INC.
No. vs.

C024714 ROBERT GILSTRAP ET AL.

Cause called. John P. McCarthy, of Rahn, Duval, Coyne, Drivon and McCarthy argued for Plaintiff-Appellant. Darla Westgate, of Curry and Westgate argued for Plaintiffs-Respondents. Cause submitted.

Civil LORIE A. RUMINSON
No. vs.

C024597 COUNTY OF COLUSA ET AL.

Cause called. Leon McCaslin argued for Plaintiff-Appellant. Roberta Franklin, of Downey, Brand, Seymour and Rohwer argued for Defendants-Respondents. Cause submitted.

Crim. THE PEOPLE
No. vs.

C012464 REGINALD CALVIN SMITH

Cause called. No appearance was made on behalf of Defendant-Appellant as argued having been waived and. Additional Citations were submitted on behalf of Plaintiff-Respondent. No appearance was made on behalf of Plaintiff-Respondent as argued having been waived. Cause submitted.

Court recessed at 10:35 a.m. until 9:30 a.m., Tuesday, September 16, 1997.

MONDAY, SEPTEMBER 15, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024928 JUNIOR LAZO KOSTIC
The judgment is affirmed.
SIMS, J.
We concur: PUGLIA, P.J.
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C023460 RUBEN EATON
The judgment is affirmed.
SIMS, J.
We concur: PUGLIA, P.J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024643 EDVARD LEO LAURSEN, JR., ET AL.
The judgments are modified to impose criminal laboratory analysis fees of \$50. As modified, the judgments are affirmed. The trial court is directed to prepare new orders of probation reflecting this modification.
SCOTLAND, J.
We concur: PUGLIA, P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C023179 SHAWN HAWK
The judgment is affirmed.
NICHOLSON, J.
We concur: SIMS, Acting P.J.
RAYE, J.

MONDAY, SEPTEMBER 15, 1997 CONTINUED

Civil ELAINE T. (Not for Publication)
No. vs.

C026680 SAN JOAQUIN COUNTY SUPERIOR COURT
DEPARTMENT OF HUMAN SERVICES

The petition as to Jacob, Kayle and Cassie is denied. The request for stay and the petition as to Jeremiah are dismissed.

BLEEPS, Acting P.J.

We concur: SIMS, J.
 DAVIS, J.

Juvenile In re LENITHA LANAY G., A person coming under the Juvenile Court
No. Law (Not for Publication)

C025672 HUMAN SERVICES AGENCY

vs.
RENETTE G.

The appeal is dismissed.

NICHOLSON, J.

We concur: SIMS, Acting P.J.
 RAYE, J.

TUESDAY, SEPTEMBER 16, 1997

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of its regular appeals calendar.

PRESENT: SIMS, Acting Presiding Justice
 DAVIS, Associate Justice
 SCOTLAND, Associate Justice

Bailiff Conrad.
Calendar called.

TUESDAY, SEPTEMBER 16, 1997 CONTINUED

Civil BERNASCONI COMMERCIAL REAL ESTATE

No. vs.

C024727 ST. JOSEPH'S REGIONAL HEALTH SYSTEM

Cause called. Anthony Bentivegna argued for Plaintiff-Appellant. Paul N. Balestracci, of Neumiller & Beardslee argued for Defendant-Respondent. Cause submitted.

Civil MARY ANN BRENNAN

No. vs.

C024155 DON MCDONALD, AS SHERIFF, ETC. ET AL.

Cause called. James Paul Green argued for Plaintiff-Appellant with additional citations. Matthew P. Donahue, of Caulfield, Davies and Donahue argued for Defendants-Respondents. Cause submitted.

At 10:15 a.m., court recessed. At 10:17 a.m. court reconvened with the same panel except Associate Justice Raye in place of Associate Justice Sims.

Civil HARRY GUSTAFSON

No. vs.

C023542 FRANK ZOLIN, AS DIRECTOR, ETC.

Cause called. Alicia M.B. Fowler, Deputy Attorney General argued for Defendant-Appellant. Julie Elizabeth Mumma argued for Plaintiff-Respondent. Cause submitted.

At 10:50 a.m., court recessed. At 10:51 a.m. court reconvened with the same panel except Associate Justice Sims in place of Associate Justice Davis.

Civil PERRY ZEIGER

No. vs.

C019828 STATE OF CALIFORNIA ET AL.

Cause called. Harold J. Truett, III, of Winchell & Truett argued for Plaintiff-Appellant. Robert Lea, of Lea & Arruti argued for Defendants-Respondents. Cause submitted.

TUESDAY, SEPTEMBER 16, 1997 CONTINUED

At 11:27 a.m., court recessed. At 11:28 a.m. court reconvened with the same panel except Associate Justice Callahan in place of Acting Presiding Justice Sims.

Civil JAMES KENNETH CORY
No. vs.
C020727 BOARD OF ADMINISTRATION ETC.

Cause called. Jay-Allen Eisen, of Eisen and Johnston argued for Plaintiff-Appellant. No appearance was made on behalf of Defendant-Respondent. Cause submitted.

Court recessed at 11:45 a.m., until 9:30 a.m., Friday, September 19, 1997.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C021820 DAVID PAUL RICHMOND

This matter is remanded to the trial court for imposition of sentence on the firearm-use enhancement. The judgment is otherwise affirmed.

RAYE, J.

We concur: BLEASE, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024265 DAVID WESLEY CARLILE

The judgment is affirmed. The trial court is directed to amend the abstract of judgment in accordance with this opinion and to send an amended copy of the abstract of judgment to the Department of Corrections.

SIMS, Acting P.J.

We concur: NICHOLSON, J.
 RAYE, J.

TUESDAY, SEPTEMBER 16, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024816 DANIEL EARL PETERSON
The judgment is affirmed.
SIMS, Acting P.J.
We concur: NICHOLSON, J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025780 ROBERT VERNON COULTER
The judgment is affirmed.
SIMS, Acting P.J.
We concur: NICHOLSON, J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025085 ENRIQUE CASTRO, JR.
The judgment is affirmed.
SIMS, Acting P.J.
We concur: NICHOLSON, J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C021470 KIRK ADDINGTON
The judgment is affirmed.
NICHOLSON, J.
We concur: SIMS, Acting P.J.
RAYE, J.

TUESDAY, SEPTEMBER 16, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024410 MICHAEL WAYNE CARROLL, JR.

The judgment is affirmed.

NICHOLSON, J.

We concur: DAVIS, Acting P.J.

RAYE, J.

Crim. THE PEOPLE (Certified for Partial Publication)

No. vs.

C021470 SHELDON NEWSOME AND EUGENE REDMAN

The judgment is vacated and the matter is remanded to the trial court for resentencing so that it may exercise its discretion as to imposing consecutive or concurrent sentences on the robbery convictions.

MORRISON, J.

We concur: BLEASE, Acting P.J.

DAVIS, J.

Civil JENNIFER KRAFFT ET AL. (Not for Publication)

No. vs.

C024395 KATHERINE LOWE

The judgment (order for new trial on damages) is affirmed. Plaintiff shall receive her costs on appeal.

SIMS, Acting P.J.

We concur: NICHOLSON, J.

RAYE, J.

Juvenile In re DAMONTE A. ET AL., Persons coming under the Juvenile Court
No. Law

C025891 DEPARTMENT OF HEALTH AND HUMAN SERVICES

vs. (Certified for Publication)

LENORA B.

The jurisdictional findings are affirmed, the dispositional orders are reversed and the juvenile court is directed to hold a new hearing to determine the proper disposition in this case.

BLEASE, Acting P.J.

We concur: SIMS, J.

MORRISON, J.

TUESDAY, SEPTEMBER 16, 1997 CONTINUED

Civil In re the Marriage of JEAN and GEORGE ROBERTS
No. JEAN ROBERTS (Not for Publication)
C024667 vs.
GEORGE ROBERTS
The judgment (order) is affirmed.
SIMS, Acting P.J.
We concur: NICHOLSON, J.
RAYE, J.

WEDNESDAY, SEPTEMBER 17, 1997

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024827 CARLOS MUNOZ DELGADO
The judgment is affirmed.
CALLAHAN, J.
We concur: BLEASE, Acting P.J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C022914 JACKIE DON WHITE

The trial court is directed to amend the abstract of judgment to reflect that the enhancements are to run consecutive to the total sentence. The trial court is further directed to forward a copy of the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

MORRISON, J.

We concur: SIMS, Acting P.J.
DAVIS, J.

WEDNESDAY, SEPTEMBER 17, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. vs
C025347 KARIE MARIE PULIDO

The restitution fines imposed by the superior court purportedly pursuant to Penal Code sections 1202.4 and 1202.45 are stricken. The superior court is directed to amend its records accordingly and to forward a copy of the amended abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024877 PHUOC HUU BUI

The judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C023485 RONALD JAMES BLACKSTEN

The judgment is affirmed.

CALLAHAN, J.

We concur: DAVIS, Acting P.J.
MORRISON, J.

Juvenile In re MICHAELA S., A person coming under the Juvenile Court Law
No. DEPARTMENT OF HEALTH AND HUMAN SERVICES
C024900 vs. (Not for Publication)
C025295 MARVA B.
C025682 The orders are affirmed.

CALLAHAN, J.

We concur: PUGLIA, P.J.
SCOTLAND, J.

THURSDAY, SEPTEMBER 18, 1997

MISC. ORDER

97-06 By the Court:

Associate Justice Richard M. Sims III is appointed to serve as Acting Presiding Justice to discharge the duties described in Rules 75, 76, 77 and 78 of the California Rules of Court during the absence of the Presiding Justice from the Court for the period of September 26, 1997, through October 10, 1997, and for the period of October 15, 1997, through October 17, 1997, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Dated: September 18, 1997

PUGLIA, P.J.

MISC. ORDER

97-07 By the Court:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in Rules 75, 76, 77 and 78 of the California Rules of Court during the absence of the Presiding Justice from the Court for the period of October 24, 1997, through October 27, 1997, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Dated: September 18, 1997

PUGLIA, P.J.

Crim.

THE PEOPLE

(Not for Publication)

No.

vs.

C023898

JUDY ILENE TIPP

The judgment is affirmed.

RAYE, J.

We concur: DAVIS, Acting P.J.
NICHOLSON, J.

THURSDAY, SEPTEMBER 18, 1997 CONTINUED

Civil MARY ANN BRENNAN (Not for Publication)

No. vs.

C024155 DAVID PETTY, as Deputy Sheriff, ETC., ET AL.

The judgment is affirmed. Defendants shall recover their costs on appeal.

SIMS, Acting P.J.

We concur: DAVIS, J.
SCOTLAND, J.

Civil BOARD OF ADMINISTRATION, ETC. ET AL.

No. _____ vs. _____ (Certified for Partial Publication)

C021663 PETE WILSON, as Governor, ETC.

The order denying the motion for attorney's fees is affirmed. The cross-appeal is dismissed as moot. Defendant shall recover his costs on appeal.

SIMS, Acting P.J.

We concur: DAVIS, J.
 MORRISON, J.

Civil BERNASCONI COMMERCIAL REAL ESTATE

No. vs. (Certified for Partial Publication)

C024727 ST. JOSEPH'S REGIONAL HEALTH SYSTEM

The order of sanctions is reversed. In all other respects the judgment and post-judgment orders are affirmed. Defendant shall recover its costs on appeal.

SIMS, Acting P.J.

We concur: DAVIS, J.
 SCOTLAND, J.

Civil In re the Marriage of LINDA and RICHARD KENNEDY

No. LINDA KENNEDY (Not for Publication)

C025653 vs.

RICHARD KENNEDY

The judgment is affirmed. Respondent is awarded her costs on appeal.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.
 DAVIS, J.

THURSDAY, SEPTEMBER 18, 1997 CONTINUED

Civil In re THOMAS and ANNA BELLE RICHER FAMILY TRUSTS of
No. March 5, 1995
C025241 PENNY WELCH, as Administrator, Etc.
 vs.
 SHRINERS HOSPITALS FOR CHILDREN
 The judgment is affirmed. Respondent shall recover her costs on
 appeal.
 NICHOLSON, J.
We concur: BLEASE, Acting P.J.
 DAVIS, J.

FRIDAY, SEPTEMBER 19, 1997

At 9:33 a.m., the court met in the Library and Courts Building for a continuation of its regular appeals calendar.

PRESENT: BLEASE, Acting Presiding Justice
 SIMS, Associate Justice
 CALLAHAN, Associate Justice

Bailiff Jones.
Calendar called.

Civil GILDA BAKER
No. vs.
C025099 GLOVANNA BAKER, ET AL.
 Cause called. John A. Bodney, of McKernan, Lanam, Bakke,
 Benson & Bodney argued for Plaintiff-Appellant. Dugan Barr, of Dugan
 Barr & Associates argued for Defendants-Respondents. Cause submitted.

At 9:50 a.m., court recessed. At 10:00 a.m., court reconvened with Presiding Justice Puglia, Associate Justice Blease and Associate Justice Sims.

FRIDAY,. SEPTEMBER 19, 1997 CONTINUED

Crim. THE PEOPLE
No. vs.
C018062 MICHAEL DANIEL SARGENT, SR.

Cause called. Barry A. Zimmerman argued for Defendant-Appellant. Janis Shank McLean, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 10:35 a.m., court recessed. At 10:39 a.m., court reconvened with the same panel except Associate Justice Scotland in place of Presiding Justice Puglia.

Juvenile HELEN R.
No. vs.
C026925 SUPERIOR COURT SAN JOAQUIN COUNTY
HUMAN SERVICES AGENCY ET AL.

Cause called. George R. Robertson argued for Petitioner. Janine Molgaard, Deputy County Counsel argued for Real Party In Interest Human Services Agency. Ted G. Towle argued for Real Party In Interest Helen G. Cause submitted.

Court recessed at 11:24 a.m. until 9:30 a.m., Monday, September 22, 1997.

Crim. LAVANN M. ZACHARY (Certified for Publication)
No. vs.
C026653 SUPERIOR COURT OF SAN JOAQUIN COUNTY
THE PEOPLE

Let a peremptory writ of mandate issue directing the respondent superior court to vacate its order of May 22, 1997, denying petitioner's motion to dismiss the People's petition for extension of commitment, and to enter a new order granting petitioner's motion to dismiss. Upon finality of this decision, the stay previously issued is vacated.

PUGLIA, P.J.

We concur: MORRISON, J.
CALLAHAN, J.

FRIDAY, SEPTEMBER 19, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. vs.
C021370 DAVID LYNN ROBINSON

The convictions and findings are affirmed. The sentence is vacated and the matter is remanded to the trial court to consider in its discretion whether to strike one or both prior felony conviction allegations. If the trial court strikes one or both allegations, it shall resentence defendant accordingly. If the court declines to strike either allegation, it shall resentence defendant in accordance with the views expressed in this opinion.

PUGLIA, P.J.

We concur: DAVIS, J.
 SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C023511 EDDIE RAY RIOS

The convictions and enhancement findings are affirmed. The sentence is vacated and the matter remanded for the trial court to consider in its discretion whether to strike one or both prior serious felony convictions. If the trial court strikes either or both priors, it shall resentence defendant. If the trial court declines to strike the priors, it shall reinstate the sentence previously imposed.

PUGLIA, J.

We concur: SCOTLAND, J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C022514 TONY TABAREZ

The convictions, special finding and order revoking probation are affirmed. The sentence is vacated and the matter remanded to the trial court for resentencing in accordance with this opinion.

PUGLIA, J.

We concur: DAVIS, J.
 SCOTLAND J.

FRIDAY, SEPTEMBER 19, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023799 JAMES ALBERT MOORE

The judgment is affirmed.

PUGLIA, J.

I concur: SCOTLAND, J.

I concur in the judgment, however I disagree with the majority's characterization of the proceedings in the trial court.

MORRISON, J.

MONDAY, SEPTEMBER 22, 1997

At 9:32 a.m., the court met in the Library & Court's Building for a continuation of its regular appeals calendar.

PRESENT: PUGLIA, Presiding Justice

BLEASE, Associate Justice

DAVIS, Associate Justice

Bailiff Palmer.

Calendar called.

Civil 216 SUTTER BAY ASSOCIATES

No. vs.

C21592 COUNTY OF SUTTER

Cause called. Stephen L. Kostka, of McCutchen, Doyle, Brown & Enersen argued for Plaintiff-Appellant. Antonio Rossmann, argued for Defendant-Respondent. Darrell W. Larsen, County Counsel appeared on behalf of Defendant-Respondent but did not argue. Ronald S. Erickson, Assistant County Counsel appeared on behalf of Defendant-Respondent but did not argue. Joseph P. Cerrullo, Deputy County Counsel appeared on behalf of Defendant-Respondent. Cause submitted.

At 10:07 a.m., court recessed. At 10:08 court reconvened with the same panel except Associate Justice Scotland in place of Presiding Justice Puglia.

MONDAY, SEPTEMBER 22, 1997 CONTINUED

Civil ELISE H. RAMOS
No. vs.
C023619 DEPARTMENT OF MOTOR VEHICLES ET AL.

Cause called. William S. Dato, of Milberg, Weiss, Bershad, Hynes and Lyrach argued for Plaintiff-Appellant. David R. Markham, of Blumenthal, Ostroff & Markham appeared on behalf of Plaintiff-Appellant but did not argue. Alan M. Mansfield, of Milberg, Weiss, Bershad, Hynes & Lyrach appeared on behalf of Plaintiff-Appellant but did not argue. Kevin J. Yourman, of Weiss & Yourman appeared on behalf of Plaintiff-Appellant but did not argue. Joseph D. Cohen, of Weiss & Yourman appeared on behalf of Plaintiff-Appellant but did not argue. Michael J. Cornez, Deputy Attorney General argued for Defendants-Respondents. Cause submitted.

At 10:51 a.m., court recessed. At 10:52 a.m. court reconvened with Presiding Justice Puglia, Associate Justice Scotland, and Associate Justice Morrison.

Civil BERNICE ERWIN
No. vs.
C024513 SUSAN REID

Cause called. Bernice Erwin argued for Herself in pro per as Plaintiff-X-Defendant-Appellant. Kenneth D. Airola, of Airola & Airola argued for Defendant-X-Comp-Respondent. Cause submitted.

Court adjourned at 11:09 a.m. until 9:30 a.m., Monday, October 20, 1997.

MONDAY. SEPTEMBER 22, 1997 CONTINUED

Crim. THE PEOPLE
No. vs.
C023003 HECTOR SANCHEZ LEYVA
By the Court:
Appellant's petition for rehearing is denied.
Dated: September 22, 1997

BLEASE, Acting P.J.

Civil LORIE A. RUMINSON (Not for Publication)
No. vs.
C024597 COUNTY OF COLUSA ET AL.
The judgment is affirmed.

DAVIS, J.

We concur: BLEASE, Acting P.J.
RAYE, J.

Civil SANDRA LEE TREND (Certified for Partial Publication)
No. vs.
C024944 ALLEN EDEN BELL
The judgment is affirmed.

MORRISON, J.

We concur: PUGLIA, P.J.
SIMS, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C023059 LARRY LEWIS HIGHTOWER

The judgment is affirmed, the sentence is vacated and this matter is
remanded for resentencing in accordance with this opinion.

PUGLIA, P.J.

We concur: SCOTLAND, J.
MORRISON, J.

MONDAY, SEPTEMBER 22, 1997 CONTINUED

Civil AVALON BAY FOODS AND ITT HARTFORD
No. ACCIDENT & INDEMNITY (Certified for Partial Publication)
C025275 vs.
 ROBERT MOORE AND WORKER'S COMPENSATION
 APPEALS BOARD

The order of the Board denying reconsideration is annulled. and the Board is ordered to render a new decision consistent with the views expressed in this opinion. Applicant's request for attorney fees for having to oppose a petition with no reasonable basis (§ 5801) is denied. (State Comp. Ins. Fund v. Workers' Comp. Appeals Bd. (1997) 53 Cal.App.4th 579, 586.) Each party shall bear its own costs.

CALLAHAN, J.

We concur: PUGLIA, P.J.
 RAYE, J.

Civil JACK F. STATEN ET AL. (Certified for Partial Publication)
No. vs.
C025463 LEAH HEALE ET AL.

The judgment is affirmed. Defendants shall receive their costs on appeal.

SIMS, J.

We concur: PUGLIA, P.J.
 SCOTLAND, J.

TUESDAY, SEPTEMBER 23, 1997

Civil RUTH SCHERFENBERG
No. vs.
C024127 TONY LOPES & KATHERINE LOPES ETC. ET AL.
 By the Court:

Appellant's petition for rehearing is denied.

Dated: September 23, 1997

DAVIS, Acting P.J.

TUESDAY, SEPTEMBER 23, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025017 ANTHONY DONNELL KELLY
The judgment is affirmed.
SCOTLAND, J.
We concur: PUGLIA, P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025114 WILLIAM CY HENRY
The judgment is affirmed.
DAVIS, J.
We concur: PUGLIA, P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C024297 RAYMOND GARCIA
The judgment is affirmed.
DAVIS, J.
We concur: PUGLIA, P.J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C023772 GINA KATHLEEN MINOR
The judgment is affirmed.
DAVIS, Acting P.J.
We concur: SCOTLAND, J.
CALLAHAN, J.

TUESDAY, SEPTEMBER 23, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025171 FRITZ LEE COMER

The judgment is affirmed.

MORRISON, J.

We concur: BLEASE, Acting P.J.
CALLAHAN, J.

Civil JOSEPH FRENCH (Not for Publication)

No. vs.

C025055 TAMMY RATHBURN

The appeal is dismissed as moot. Mother is awarded her costs on appeal.

MORRISON, J.

We concur: PUGLIA, P.J.
RAYE, J.

WEDNESDAY, SEPTEMBER 24, 1997

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025083 GREG LANIER HARRIS

The judgment is affirmed.

MORRISON, J.

We concur: PUGLIA, P.J.
BLEASE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C019722 CHRISTOPHER ERIC JAGERSON

The two-year enhancement for the section 186.22, subdivision (b) (1) finding is stricken. The superior court is directed to amend its records accordingly and forward a copy of an amended abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.
SCOTLAND, J.

WEDNESDAY, SEPTEMBER 24, 1997 CONTINUED

Crim. THE PEOPLE (Certified for Publication)

No. vs.

C012464 REGINALD CALVIN SMITH

The judgment is reversed.

BLEASE, Acting P.J.

We concur: DAVIS, J.

RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024606 BOBBY JOE FLOYD

The judgment is affirmed.

MORRISON, J.

We concur: BLEASE, Acting P.J.

CALLAHAN, J.

Civil BERNICE DIKE (Not for Publication)

No. vs.

C025226 WILFRIED WILD ET AL.

The judgment is affirmed.

SIMS, J.

We concur: BLEASE, Acting P.J.

SCOTLAND, J.

Civil DESMOND, MILLER & DESMOND

No. vs. (Not for Publication)

C025173 DIMITRIOS APOSTOLIDIS ET AL.

The judgment is affirmed. Plaintiff shall recover its costs on appeal.

SIMS, Acting P.J.

We concur: NICHOLSON, J.

RAYE, J.

THURSDAY, SEPTEMBER 25, 1997

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025623 JEFFERY WAYNE WALBERG

The judgment is affirmed.

SCOTLAND, J.

We concur: PUGLIA, P.J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023518 NABIL IBN MANLEY

The only contention of error with potential merit is of harmless error. The judgment is affirmed.

BLEASE, Acting P.J.

We concur: DAVIS, J.
MORRISON, J.

Civil 216 SUTTER BAY ASSOCIATES

No. vs. (Not for Publication)

C021592 COUNTY OF SUTTER, ET AL.

The judgment is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
BLEASE, J.

Civil HARRY GUSTAFSON (Certified for Publication)

No. vs.

C023542 FRANK ZOLIN, as Director etc.

The part of the judgment for writ of mandate awarding attorney fees to Gustafson pursuant to section 800 is reversed. In all other respects, the judgment is affirmed. All parties shall pay their own costs on appeal.

DAVIS, Acting P.J.

We concur: SCOTLAND, J.
RAYE, J.

WEDNESDAY, SEPTEMBER 25, 1997 CONTINUED

Juvenile In re ALEJANDRIA S., A person coming under the Juvenile Court Law
No. HUMAN SERVICES AGENCY
C026645 vs. (Not for Publication)
GINA N.

The orders appealed from are affirmed.

BLEASE, Acting P.J.

We concur: SIMS, J.
DAVIS, J.

Civil PERRY ZEIGER (Not for Publication)
No. vs.
C019828 STATE OF CALIFORNIA, ET AL.

The judgments are reversed. Appellant shall recover his costs on appeal.

RAYE, J.

I concur: SIMS, Acting P.J.
I dissent: SCOTLAND, J.

FRIDAY, SEPTEMBER 26, 1997

Civil ARMAND R. BIGLER, ET AL
No. vs.
C023645 RUST, ARMENIS & SCHWARTZ
By the Court:

Respondents Bigler et al.'s petition for rehearing is denied.

Dated: September 26, 1997

PUGLIA, P.J.

Civil ARMAND R. BIGLER ET AL.
No. vs.
C023297 RUST, ARMENIS & SCHWARTZ
By the Court:

Respondents Bigler et al's petition for rehearing is denied.

Dated: September 26, 1997

PUGLIA, P.J.

FRIDAY, SEPTEMBER 26, 1997 CONTINUED

Crim. THE PEOPLE
No. vs.
C026822 RONALD KENNETH MARTIN JR.
By the Court:

Pursuant to the directions of the California State Supreme Court's order dated September 24, 1997, the dismissal order of this court dated June 26, 1997, is vacated. The appeal filed June 16, 1997, is reinstated and deemed constructively filed in compliance with California Rules of Court, rule 31 (d).

The trial court clerk is directed to proceed forthwith with preparation of the record on appeal.

Dated: September 26, 1997

SIMS, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025140 LINDA DARLENE DAVIS

The judgment is modified to award defendant two actual days of presentence custody credit. The trial court is directed to prepare an amended abstract of judgment accordingly and to forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.
MORRISON, J.

MONDAY, SEPTEMBER 29, 1997

Civil RICHARD B. HERMAN
No. vs.
C024879 COUNTY OF LASSEN, ET AL.
By the Court:

Respondent Governing Board of the Johnstonville Elementary School District's petition for rehearing is denied.

Dated: September 29, 1997

BLEASE, Acting P.J.

MONDAY, SEPTEMBER 29, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs,

C025494 ALAN DAVID FINLAYSON

The judgment is modified to award defendant 149 actual days and 74 conduct days for a total of 223 days of presentence custody credit. The trial court is directed to prepare an amended abstract of judgment accordingly and to forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.

MORRISON, J.

We concur: PUGLIA, P.J.
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C021561 DOUGLAS JAMES MANNS

Defendant's sentence for transporation of methamphetamine is stayed. (§ 654.) As modified, the jugment is affirmed. The trial court is directed to amend the abstract of judgment in accordance with this opinion and to send a copy of the amended abstract to the Department of Corrections.

SIMS, J.

We concur: BLEASE, Acting P.J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023900 RICHARD JAMES BEALL

The convictions are affirmed. The sentence is vacated. The matter is remanded to the trial court to allow it to exercise its discretion whether to strike any of defendant's prior felony convictions. If the trial court strikes any of the priors, it shall resentence defendant. If the trial court declines to strike the priors, it shall reinstate the sentence previously imposed.

DAVIS, J.

We concur: BLEASE, Acting P.J.
NICHOLSON, J.

MONDAY, SEPTEMBER 29, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023623 DOUGLAS VIRGIL BURKHART

The convictions are affirmed. The sentence is vacated. The matter is remanded to the trial court for the purpose of allowing the court to consider in its discretion whether to strike one or both of defendant's prior serious felony convictions. If the trial court strikes one or both priors, it shall resentence defendant. If the trial court declines to strike either "strike" prior, it shall reinstate the sentence previously imposed.

NICHOLSON, J.

We concur: PUGLIA, P.J.
CALLAHAN, J.

Civil AMERICAN RIVER FIRE PROTECTION DISTRICT

No. vs. (Certified for Publication)

C025051 FRANK BRENNAN ET AL.

Respondent's petition for rehearing is denied.

FOR THE COURT:

RAYE, Acting P.J.
MORRISON, J.

Crim. GILDA BAKER (Not for Publication)

No. vs.

C025099 GLOVANNA BAKER ET AL.

The judgment is affirmed.

CALLAHAN, J.

We concur: BLEASE, Acting P.J.
SIMS, J.

Juvenile In re LESTER B. et al., Persons under the Juvenile Court Law
No. SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
C026643 SERVICES

vs.

LESTER B., SR.

The order terminating appellant's parental rights is affirmed.

SIMS, J.

We concur: BLEASE, Acting P.J.
DAVIS, J.

MONDAY, SEPTEMBER 29, 1997 CONTINUED

Civil JAMES KENNETH CORY (Certified for Publication)

No. vs.

C020727 BOARD OF ADMINISTRATION, ETC.

The judgment is affirmed. PERS shall recover costs on appeal.

RAYE, J.

We concur: SCOTLAND, Acting P.J.

CALLAHAN, J.

Civil BERNICE ERWIN (Not for Publication)

No. vs.

C024513 SUSAN REID

The judgment is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.

MORRISON, J.

Civil HELEN R. (Not for Publication)

No. vs.

C026925 SAN JOAQUIN COUNTY SUPERIOR COURT

The petition is denied.

BLEASE, Acting P.J.

We concur: SIMS, J.

SCOTLAND, J.

TUESDAY, SEPTEMBER 30, 1997

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023901 ROY LESTER BROOKS

THE COURT:

.....These modifications change the judgment.

The petition for rehearing is denied.

THE COURT:

SIMS, Acting P.J.

RAYE, J.

MORRISON, J.

TUESDAY, SEPTEMBER 30, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C022793 JOHN DALE SMITH

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: NICHOLSON, J.
MORRISON, J.

Civil ELISE H. RAMOS (Not for Publication)

No. vs.

C023619 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES, ET AL.

The orders sustaining the demurrer is affirmed.

BLEASE, Acting P.J.

We concur: DAVIS, J.
SCOTLAND, J.

Civil RAZIA Y. FORTE (Not for Publication)

No. vs.

C024914 DAVID J. ORANEN

The order is vacated and the matter remanded to the trial court with directions to enter a new order granting defendant Oranen's motion to compel arbitration. Defendant Oranen shall recover costs of appeal.

DAVIS, Acting P.J.

We concur: MORRISON, J.
CALLAHAN, J.

Juvenile In re BARBARA S., A minor under the Juvenile Court Law

No. DEPARTMENT OF SOCIAL SERVICES

C026774 vs. (Not for Publication)

LLOYD S.

The order terminating appellant's parental rights is affirmed.

DAVIS, J.

We concur: BLEASE, Acting P.J.
SIMS, J.

TUESDAY, SEPTEMBER 30, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023538 DUSTY KEATON EPPS

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SIMS, J.

SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024140 ODIS SIMMONS

The judgment is affirmed.

SIMS, J.

We concur: DAVIS, J.

CALLAHAN, J.